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UNCLAS LILONGWE 000449

SIPDIS

SENSITIVE

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TAGS: [PGOV](#) [KDEM](#) [ASEC](#) [PHUM](#) [PINR](#) [MI](#)

SUBJECT: OPPOSITION CHALLENGES TO ELECTION HAVE LITTLE TRACTION

REF: A. LILONGWE 445

[¶](#)B. LILONGWE 439

SUMMARY

[¶](#)1. (SBU) On the second day of the three-day gap between the close of polls and the announcement of election results, Mgwirizano Coalition leader Gwanda Chakuamba, acting without the Coalition's backing, announced on May 22 that he had won the presidential elections. While claiming victory, Chakuamba accused the Malawi Electoral Commission (MEC) of delaying the tabulation and announcement of results so that it could rig the elections in the ruling United Democratic Front's (UDF) favor. After MEC announced results on May 23, Chakuamba incited his supporters, and subsequent demonstrations in Blantyre and Mzuzu sparked violence that lasted through the May 24 inauguration of Bingu wa Mutharika (reftel B). As tensions ease, the Coalition filed a legal challenge to the elections and is requesting the results be declared null and void. The Malawi Congress Party (MCP), led by John Tembo, has also stated that it plans to file suit against MEC because several pro-MCP areas were allegedly not included in the final tally of presidential results. Although the elections had notable irregularities and lacked some key elements of a fully democratic contest (reftel A), the margin of victory was such that there is no reason to think that Mutharika did not win. END SUMMARY.

CHAKUAMBA'S BRAZEN ANNOUNCEMENT

[¶](#)2. (U) On day two of the three-day gap between the close of polls and MEC's announcement of results, Mgwirizano Coalition leader Gwanda Chakuamba, who came in third place in the presidential election, announced on May 22 that he was the victor of the presidential contest. His announcement was apparently made without the consent of the rest of the Coalition. Coalition Deputy Aleke Banda reportedly would not sign Chakuamba's press release and advocated for more peaceful means of protesting the Electoral Commission's delays. In his claim of victory, Chakuamba accused MEC of outright rigging during the tabulation of results and of administrative irregularities that led to the disenfranchisement of voters.

[¶](#)3. (U) Upon the Electoral Commission's announcement of results, Chakuamba supporters demonstrated in Blantyre and Mzuzu, which provoked a heavy-handed response from the police (reftel B). The unrest, which has subsided, lasted through Bingu wa Mutharika's inauguration late in the afternoon of May 24.

THE COALITION'S LEGAL PETITION

[¶](#)4. (SBU) Bazuka Mhango, a senior member of the Coalition and a lawyer, told poloff that the Coalition officially filed a challenge of the election results at the High Court on May 24, in accordance with legislation requiring petitions to be filed within 48 hours of the announcement of results. In the petition, Mhango said, the Coalition is arguing that the elections had so many irregularities that "no one can determine the true results" and that the results should be declared null and void. Mhango said the Chief Justice will set a court date when he meets with the lawyers presenting the case on the afternoon of May 25.

MCP PLANS TO FILE SUIT

[¶](#)5. (SBU) The MCP has announced that it refuses to accept the presidential election results because it believes two districts from the pro-MCP area of Mchinji were not included in the totals announced by the Electoral Commission. MCP Publicity Secretary Nicholas Dausi told poloff that party officials are collecting presidential election totals from their party monitors before they officially file suit at the High Court. Dausi said party representatives have been in contact with MEC officials to ensure that their challenge fulfills all necessary legal requirements.

COMMENT

[¶](#)6. (SBU) Although the elections had notable irregularities and lacked some key elements of a fully democratic contest

(reftel A), no election observers noted problems widespread enough to overcome Mutharika's 400,000 vote lead. The opposition challenges of the elections results will be heard by the High Court, but are not likely to change the outcome of the presidential contest.

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